

PROVISO
SUBCOMMITTEE
RECOMMENDATIONS

~ ~ ~

LEGISLATIVE,
EXECUTIVE, AND
LOCAL GOVERNMENT

**PROVISO SUBCOMMITTEE
LEGISLATIVE, EXECUTIVE & LOCAL GOVERNMENT
RECOMMENDATIONS FOR FY 2012-13
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 39 - P28 - DEPARTMENT OF PARKS, RECREATION AND TOURISM

39.2 **AMEND** (Destination Specific Tourism Marketing) Provides guidelines for the awarding of Destination Specific Tourism Program grants.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the stipulation that organizations receiving these grants must use them to “stimulate destination travel by persons” outside the state to destinations within the state and instead direct that the grants be used to “target international and/or domestic travelers” outside the state to destinations within the state. Fiscal Impact: No impact on the General Fund.

39.2. (PRT: Destination Specific Tourism Marketing) The minimum grant awarded by the Destination Specific Tourism Program shall be \$250,000. Each state dollar must be matched with two dollars of private funds. An organization receiving a state grant must certify that, as of the date of the application: (i) the private funds are new dollars specifically designated for the purpose of matching state funds; (ii) the private funds have not been previously allocated or designated for tourism-related destination marketing; (iii) the organization has on hand or has an approved line of credit of not less than the amount of private funds needed to provide the required match. Organizations applying for a grant must include in the grant application, information on how the organization proposes to measure the success of the marketing and public relations program, including the estimated return on investment to the state. Promotional programs proposed by an applicant must be based on research-based outcomes. Grants must be made only to organizations that have a proven record of success in creating and sustaining new and repeat visitation to its area and must have sufficient resources to create, plan, implement, and measure the marketing and promotional efforts undertaken as a part of the program. The department must award a grant only to one qualified destination marketing organization within their tourism region where the organization’s private funds are raised. An organization receiving a grant must use the public and private funds only for the purpose of destination specific marketing and public relations designed to ~~stimulate destination travel by persons~~ target international and/or domestic travelers outside the state to destinations within the state. All grants that qualify under the program must be funded if funds are available. Funding of all qualified grants will be on a first come first served basis with such basis retained throughout the term of this proviso. No organization shall receive in the first quarter more than fifty percent of the state dollars allocated to the program. If by the end of the third quarter matching funds are still available with no other organizations meeting the criteria for funding, the funds will be distributed to the organization or organizations that have and can meet all of the requirements of this proviso. Grant recipients shall provide an annual report by November first, to the Chairmen of the Senate Finance Committee and the House Ways and Means Committee and the director of the Department of Parks, Recreation and Tourism on the expenditure of the grants funds and on the proposed outcome measures.

39.4 **AMEND** (Regional Tourism) Requires the department to disburse \$275,000 of their appropriated or authorized funds among the eleven Regional Tourism groups and prohibits the department from reducing the amount funded to those groups.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the requirement that \$275,000 of department funds be disbursed to the eleven Regional Tourism Groups. Fiscal Impact: No impact on the General Fund. The funds will remain in the agency for other agency functions.

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~~39.4. (PRT: Regional Tourism) Of the funds appropriated to, authorized for, and/or carried forward by the department, the department shall provide \$275,000 for disbursement among the eleven Regional Tourism groups. In the event the department receives a general fund reduction in the current fiscal year, the department is prohibited from reducing the amount funded to the eleven Regional Tourism groups.~~

39.9 AMEND (Destination Specific Tourism Transfer) Provides for Motion Picture Incentive Rebate set-aside funds carried forward from the prior fiscal year to be transferred to PRT for the Destination Specific Tourism Program and authorizes those funds to then be carried forward.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.” Fiscal Impact: No impact on the General Fund.

39.9. (PRT: Destination Specific Tourism Transfer) From the funds set aside pursuant to the Motion Picture Incentive Wage Rebate, for Fiscal Year ~~2011-12~~ *2012-13* unexpended funds carried forward from the prior fiscal year shall be transferred from the Department of Revenue to the Department of Parks, Recreation and Tourism and utilized for the Destination Specific Tourism Program. These funds shall be carried forward from the prior fiscal year into the current fiscal year and be expended for the same purpose.

39.12 AMEND (PARD) Authorizes PRT to spend restricted funds for the PARD Fund in accordance with the mandates of the Parks and Recreation Fund, Regulations, and generally accepted accounting standards

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to allow the department to reimburse prior year PARD grantee expenditures with current year funds for a period of three years as allowed by Section 51-23-30 [GRANT PROGRAM FOR PLANNING, DEVELOPING, AND RENOVATING PARK AND RECREATION FACILITIES]. *Ensures grantees are reimbursed in accordance with the established guidelines.* Fiscal Impact: No impact on the General Fund. Requested by Department of Parks, Recreation, and Tourism.

39.12. (PRT: PARD) The Department of Parks, Recreation, and Tourism shall be authorized to expend restricted funds for the Parks and Recreation Development Fund (PARD) in accordance with the Section 51-23-20 of the 1976 Code, Regulations, and generally accepted accounting standards. *The department is allowed to reimburse PARD grantees from current year funds for prior year expenditures for a period of three years as allowed in Section 51-23-30 of the 1976 Code.*

SECTION 68D - U30 - DIVISION OF AERONAUTICS

68D.7 DELETE (Carry Forward Sale of Aircraft Proceeds) Authorizes proceeds from the sale of aircraft to be carried forward and provides the purposes for which the funds may be used.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~**68D.7.** (AERO: Carry Forward Sale of Aircraft Proceeds) The Division of Aeronautics may carry forward proceeds from the sale of aircraft to be used for replacement aircraft, required Federal Aviation Administration upgrades to existing aircraft, and other Division purposes.~~

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- 68D.10 DELETE** (Transfer of MUSC Aircraft) Transfers title and ownership of MUSC's Beechcraft King Air to the Aeronautics Commission and states the intent that the Aeronautics Commission pay MUSC for the aircraft as soon as funding is available.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund. *The aircraft has been transferred.* Requested by Aeronautics Commission.

~~**68D.10.(AERO: Transfer of MUSC Aircraft)**~~ ~~Title and ownership of the Medical University of South Carolina's Beechcraft King Air 90C model is transferred to the Aeronautics Commission for official use by the state in the manner prescribed by law. It is the intent of the General Assembly that the Aeronautics Commission shall provide funding to the Medical University to cover the value of the aircraft as soon as funding is available.~~

SECTION 70 - A99 - LEGISLATIVE DEPARTMENT

- 70.7 AMEND** (House Pages) Authorizes up to 144 Pages to be appointed for service to the House.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct the House Pages are not eligible to receive unemployment benefits. Fiscal Impact: No impact on the General Fund.

70.7. (LEG: House Pages) Up to one hundred forty-four Pages may be appointed pursuant to House policies and procedures and they shall be available for any necessary service to the House of Representatives. *House Pages shall not be eligible to receive unemployment benefits.*

- 70.8 DELETE** (Leg. Council Employment/Salary Adjustments) Authorizes the Legislative Council to adjust salaries of their personnel.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Proviso is unnecessary since the council has this authority as a state agency.* Fiscal Impact: No impact on the General Fund. Requested by Legislative Council.

~~**70.8.** (LEG: Leg. Council Employment/Salary Adjustments) *Notwithstanding any limitation or other provision of law to the contrary, the Legislative Council may adjust salaries for Legislative Council personnel. Any adjustments made must be paid from funds appropriated for the council or from the funds appropriated to the council under Part IA, Section 70C for this purpose, or both.*~~

- 70.15 AMEND** (Additional House Support Personnel) Provides guidelines for the use of Legislative Constituent Services funds by members of the House.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct the Legislative aides are not eligible to receive unemployment benefits. Fiscal Impact: No impact on the General Fund.

70.15. (LEG: Additional House Support Personnel) The funds provided for Legislative/Constituent Services are appropriated for the purpose of providing additional support personnel to assist House members who are not already being furnished with direct legislative assistance in the conduct of their legislative responsibilities. This amount shall be used for staffing requirements where necessary for part time personnel. The additional personnel may be used only in compliance with Section 8-13-1346(A) of the South Carolina

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Code of Laws. At a member's request, the House Operations and Management Committee may use any unexpended portion of a member's allotment to purchase equipment for a member's office. The amount herein appropriated for additional support personnel shall be allocated to eligible members as follows: For fiscal years beginning in even years, an eligible member is allowed an allocation of \$500 beginning July 1, as approved by the Speaker of the House. An additional \$2,000 allotment, as approved by the Speaker of the House, is allowed when the eligible member's election to the upcoming General Assembly is certified or at the time the member is unopposed for the general election, whichever occurs first. A member elected to a full term in the House of Representatives, who did not serve in the General Assembly preceding the election, is allowed an allocation of \$2,000, as approved by the Speaker of the House, from the time the member's election is certified until the end of the then current fiscal year. For fiscal years beginning in odd years, eligible members are allowed an allocation of \$2,500, as approved by the Speaker of the House. Whenever a member is elected to fill an unexpired term, the allotment must be prorated on a monthly basis. The amounts provided above as allotments for members are provided for an aide's compensation, exclusive of employer contributions. Each member may choose to expend his allocation for an individual legislative aide or may choose to combine his allocation with allocations of other House members for a legislative aide to assist each of the members contributing to the expense of that aide. Legislative aides shall not be eligible to receive unemployment benefits.

- 70.18 DELETE** (Leg. Council Combined Position) Authorizes the Director of the Legislative Council to combine two FTE positions into one.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Proviso is unnecessary since the council has this authority as a state agency.* Fiscal Impact: No impact on the General Fund. Requested by Legislative Council.

~~**70.18.** (LEG: Leg. Council Combined Position) The Director of the Legislative Council, with the approval of the council, is authorized to combine two or more stenographic, clerical, technical assistant, or administrative assistant positions into one with a job description for the combined position to be approved by the council, with a compensation level also approved by the council. The appropriations or any portion thereof for the positions combined into one may be used to fund the combined position.~~

- 70.21 AMEND** (Joint Strategic Technology Committee) Creates and provides directives for an eight member Joint Strategic Technology Committee.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to add two members of the general public, with the Chairmen of the Senate Finance and House Ways and Means Committees each appointing one member. Require these members possess substantial experience in management and use of information technology in a large enterprise. Prohibit these members or their family from having or being associated with a business with an economic interest in IT procurement with the state. Direct the B&C Board and the Agency Directors Technology Advisory Committee to prepare a Statewide Strategic Information Technology Plan. Direct the joint committee to recommend appropriate statutory changes to successfully implement the statewide plan to the Senate President Pro Tempore and the Speaker of the House. Provide timeframes for the statewide plan to be reviewed and recommendations submitted; and for agencies to submit information technology budget plans for the next fiscal year including, what information is to be included in their plan. Direct the B&C Board to compile information technology budget information into a report for the joint committee's review and recommendations to the Senate Finance and House Ways and Means Committees.

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Direct the B&C Board to recommend IT projects to the joint committee for periodic oversight. Require the following be reported to the joint committee by January 31st each year: SCEIS project progress by the SCEIS Executive Oversight Committee and Broadband lease progress by the B&C Board and ETV. Fiscal Impact: No impact on the General Fund.

70.21. (LEG: Joint Strategic Technology Committee) ~~(A)~~ There is created ~~a joint committee of the General Assembly to be known as the Joint Strategic Technology Committee consisting of eight members.~~ The committee shall consist of the following: (1) four members appointed by the Chairman of the Senate Finance Committee ~~shall appoint four members,~~ at least two of whom must be appointed from the Senate Finance Committee, ~~(2) four members appointed by the~~ The Chairman of the House Ways and Means Committee ~~shall appoint four members,~~ at least two of whom must be appointed from the House Ways and Means Committee, ~~(3) one member appointed from the general public by the Chairman of the Senate Finance Committee, and (4) one member appointed from the general public by the Chairman of the House Ways and Means Committee. Members appointed from the general public must possess substantial experience in the management and use of information technology in a large private enterprise. No member may have an economic interest in an information technology procurement with the state, and no member of the committee may have a family member or association with a business that has an economic interest in a technology procurement with the state. Should such an interest arise after appointment, the member is disqualified from further service on the committee and must give immediate written notice to the committee and the authority making his appointment.~~

~~(B)~~ The Budget and Control Board, in consultation with the Agency Directors Technology Advisory Committee, shall prepare a Statewide Strategic Information Technology Plan to provide strategic direction for information technology management in state government. State agencies are directed to cooperate with the Budget and Control Board and Agency Directors Technology Advisory Committee in preparation of the statewide plan.

~~The Joint Strategic Technology Committee shall have the following purposes and responsibilities:~~

~~(1)~~ (C) ~~The joint committee shall review the Statewide Strategic Information Technology Plan prepared by the Budget and Control Board and the Agency Directors Technology Advisory Committee and, as needed, make recommendations to the Senate Finance Committee and the House Ways and Means Committee regarding the plan by January twenty ninth, of the current fiscal year. The joint committee shall also recommend priorities for state government enterprise information technology projects and resource requirements as it determines appropriate; The joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the successful implementation of the Statewide Strategic Information Technology Plan and the efficient and effective management and use of information technology by state government.~~

~~(2)~~ ~~The joint committee shall review information technology spending by state agencies and evaluate whether greater efficiencies, more effective services and cost savings can be achieved through streamlining, standardizing and consolidating state agency information technology. State agencies must consult with hardware maintenance manager vendors under state contract to determine whether the agency may achieve cost savings by utilizing these contracts for information technology. A report by agency of these findings must be provided to the joint committee by the Budget and Control Board. The joint committee shall recommend to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, for referral to the appropriate standing committees, any statutory changes appropriate for the~~

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successful implementation of the Statewide Strategic Information Technology Plan and the efficient and effective management and use of information technology by state government.

(D) The Statewide Strategic Information Technology Plan must be reviewed by the Budget and Control Board and Agency Directors Technology Advisory Committee by not later than November 15 each year and amended as needed, with amendments submitted to the joint committee for review by the fifteenth day of the immediately following January.

(E) By not later than September 15th of each year, state agencies must provide the Budget and Control Board their budget plans for information technology for the coming fiscal year. These plans must include all fixed, recurring information technology costs as well as new information technology expenditures for hardware upgrades/replacements, software purchases and new information technology projects regardless of funding sources. The budget information must also include FTE counts and salary information.

(F) The Budget and Control Board is directed to compile the information technology budget information into a report for the joint committee's review and recommendations to the Senate Finance Committee and the House Ways and Means Committee. The report must confirm requested funding and spending authorization are aligned with the Statewide Strategic Information Technology Plan and be designed to provide information to support House and Senate appropriations committees in analyzing funding requests, including but not limited to a validation of the cost to implement and operate major information technology systems. At the request of the joint committee, the Budget and Control Board may assist in the development of a consistent set of guidelines for submission of budget requests, which may include a business case, risk assessment and project plan to accompany funding requests for information technology projects that meet specific fiscal thresholds. z

(G) The Budget and Control Board is also directed to recommend information technology projects to the joint committee for its periodic oversight according to project milestones, deliverables and key expenditures.

(H) The (1) SCEIS Executive Oversight Committee and (2) Budget and Control Board and ETV must report to the joint committee on the progress of the SCEIS project and Broadband lease, respectively, by not later than January 31 of each year.

(I) The Budget and Control Board and all state agencies shall cooperate with and provide assistance to the Joint Strategic Technology Committee as requested by the committee.

(J) The Executive Director of the Budget and Control Board shall appoint an Agency Directors Technology Advisory Committee. The Executive Director shall determine the number and composition of this committee, which shall represent a cross-section of state government agencies. This committee shall provide input and advice regarding the Statewide Strategic Information Technology Plan being developed by the State through the Budget and Control Board. The committee shall also assist and advise the Joint Strategic Technology Committee at its request.

70.r42 ADD (Rule 42) PROVISO SUBCOMMITTEE RECOMMENDATION: ADD new proviso to direct that nothing prohibits any provision of this act from temporarily or permanently adding, amending, or repealing any portion of a permanent law. Fiscal Impact: No impact on the General Fund.

70.r42. (LEG: Rule 42) In order to facilitate the effective and efficient delivery of services by state agencies and institutions, nothing shall prohibit a provision of this act from temporarily or permanently adding, amending, or repealing any portion of the general permanent laws of South Carolina.

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SECTION 72 - D21 - GOVERNOR'S OFFICE

72.6 DELETE (Victim Advocate Policy Committee) Continues the Victim Advocate Policy Committee in order to monitor implementation of guidelines developed by the committee.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The committee has apparently not met since 1995 when it set the guidelines for distribution of the funds to the solicitor's offices and there does not currently appear to be a reason for the committee.* Fiscal Impact: No impact on the General Fund. Requested by Governor's Office of Executive Policy and Programs.

~~72.6. (GOV: OEPP - Victim Advocate Policy Committee) The policy committee appointed pursuant to Section 79.3 of the 1988-89 General Appropriations Act is hereby continued for the purpose of monitoring the implementation of the guidelines developed by it, making such revisions as appear appropriate, assisting and advising the director in development and revision of forms, information and criteria used to evaluate compliance with the guidelines by victim advocate programs in solicitor's offices.~~

~~The information gathered from these programs shall be aggregated by the director into the annual report of the agency which is submitted to the Governor, Speaker of the House of Representatives, and the President of the Senate.~~

72.7 DELETE / MOVE (Victim Assistance Programs) Directs that funds appropriated for solicitor's victim assistance programs are in addition to funds currently provided by the county and are not to be used to supplant county funds. Directs that if a county reduces their funding, state funds provided to the solicitor's office in that county for victim assistance services will be reduced by a corresponding amount. Requires each solicitor's office prepare an annual report by October 1st describing how these funds were used in the preceding fiscal year.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso and move it to Prosecution Coordination Commission's section, proviso 46.vap. Fiscal Impact: No impact on the General Fund. Requested by Governor's Office of Executive Policy and Programs.

~~72.7. (GOV: OEPP - Victim Assistance Programs) It is the intent of the General Assembly that the amounts appropriated in this section for victim assistance programs in solicitors' offices shall be in addition to any amounts presently being provided by the county for these services and may not be used to supplant funding already allocated for such services. Any reduction by any county in funding for victim assistance programs in solicitors' offices shall result in a corresponding decrease of state funds provided to the solicitors' office in that county for victim assistance services. Each solicitor's office shall submit an annual financial and programmatic report which describes the use of these funds. The report shall be submitted to the Governor, the Attorney General, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on October 1, for the preceding fiscal year.~~

72.8 DELETE / MOVE (Establish Victim/Witness Program) Establishes a Victim Witness program in the solicitor's office of each circuit; directs that funds be divided equally among the circuits; and provides guidelines for the services to be provided
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso and move it to Prosecution Coordination Commission's section, proviso 46.ev. Fiscal Impact: No impact on the General Fund. Requested by Governor's Office of Executive Policy and Programs.

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~~72.8. (GOV: OEPP - Establish Victim/Witness Program) The funds appropriated in this section for Victim/Witness Program must be equally divided among the judicial circuits, less any adjustments made for budget reductions. The funds for each circuit must be distributed to the solicitor's office of that circuit and only used by the solicitor for the purpose of establishing a Victim/Witness Program in the circuit which shall provide, but not be limited to, the following services:~~

~~(1) Make available to victims/witnesses information concerning their cases from filing in general sessions court through disposition.~~

~~(2) Keep the victim/witness informed of his rights and support his right to protection from intimidation.~~

~~(3) Inform victims/witnesses of and make appropriate referrals to available services such as medical, social, counseling, and victims' compensation services.~~

~~(4) Assist in the preparation of victims/witnesses for court.~~

~~(5) Provide assistance and support to the families or survivors of victims where appropriate.~~

~~(6) Provide any other necessary support services to victims/witnesses such as contact with employers or creditors.~~

~~(7) Promote public awareness of the program and services available for crime victims.~~

~~The funds may not be used for other victim related services until the above functions are provided in an adequate manner.~~

72.10 AMEND (OEPP - Physical Abuse Examinations) Authorizes up to \$60,000 of Victims' Rights funds to be used for physical abuse exams.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "\$60,000" to "\$120,000." Fiscal Impact: No impact on the General Fund.

~~72.10. (GOV: OEPP - Physical Abuse Examinations) Of the funds appropriated in this section for Victims' Rights, up to \$60,000 \$120,000 may be expended for physical abuse examinations.~~

72.18 AMEND (OEPP - Crime Victims Ombudsman) Directs the State Office of Victim's Assistance to transfer \$48,000 to the Crime Victims Ombudsman's Office for administrative and operations support.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "\$48,000" to "\$71,000." Fiscal Impact: No impact on the General Fund.

~~72.18. (GOV: OEPP - Crime Victims Ombudsman) For the current fiscal year, the State Office of Victims Assistance shall transfer \$48,000 \$71,000 to the Crime Victims Ombudsman's Office to be used for administrative and operational support.~~

SECTION 74 - E08 - SECRETARY OF STATE

74.1 AMEND (UCC Filing Fees) Authorizes up to \$120,000 of Uniform Commercial Code filing fees to be retained and used for UCC administration.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change "\$120,000" to "\$180,000." *Increased funds are necessary to ensure compliance with changes in the Uniform Commercial Code.* Fiscal Impact: Increase agency revenue by \$60,000 while reducing the amount being deposited into the General Fund. Requested by Secretary of State's Office.

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74.1. (SS: UCC Filing Fees) Revenues from the fees raised pursuant to Section 36-9-525(a), not to exceed \$120,000 \$180,000, may be retained by the Secretary of State for purposes of UCC administration.

SECTION 75 - E12 - COMPTROLLER GENERAL'S OFFICE

75.6 **DELETE** (Federal 3% Withholding Mandate) Provides procedures for withholding 3% of payments to vendors and other payees for remission to the IRS if the Tax Reconciliation Act of 2005 is enacted and implemented by the Federal Government.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The law was not implemented.* Fiscal Impact: No impact on the General Fund. Requested by Comptroller General's Office.

~~**75.6.** (CG: Federal 3% Withholding Mandate) In the event the provision in the Tax Reconciliation Act of 2005 (Public Law 109-222) requiring the withholding of three per cent (3%) of payments to vendors and other payees for remission to the Internal Revenue Service is enacted into law and implemented by the Federal Government, the Comptroller General's Office may assess charges against state agencies for their pro rata share of the costs of the implementation and operation of the program to comply with this federal mandate. The total costs of the program assessed against agencies during the first fiscal year of the program shall not exceed \$235,000. The methodology for the pro rata assessment shall be based on each agency's volume of payments to which the three percent (3%) withholding mandate would have applied during the last completed fiscal year. These revenues may be retained and expended by the Comptroller General's Office to support implementation and operation of the program. Unexpended funds may be carried forward from the prior fiscal year into the current fiscal year and expended for the same purpose. The Comptroller General's Office shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee with an explanation of the assessment methodology and the assessment to be charged to each agency at least fifteen (15) days before the issuance of the assessments. The assessment shall be paid by each agency to the Comptroller General's Office within thirty (30) days of the issuance of the assessment.~~

SECTION 76 - E16 - STATE TREASURER'S OFFICE

76.2 **AMEND** (STARS Approval) Directs that Statewide Accounting and Reporting System decisions that involve the Treasurer's Banking Operations and other State Treasurer's Office function require the State Treasurer's approval.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to add SCEIS functions that affect the State Treasurer's Office to also require State Treasurer's approval. *Changes to STARS and/or SCEIS could significantly impact the ability of the Treasurer to accomplish daily banking and other functions if they are not adequately coordinated with the State Treasurer's Office.* Fiscal Impact: No impact on the General Fund. Requested by State Treasurer's Office.

76.2. (TREAS: STARS Approval) Decisions relating to the Statewide Accounting and Reporting System (STARS) and the South Carolina Enterprise Information System (SCEIS) which involve the State Treasurer's Banking Operations and other functions of the State Treasurer's Office shall require the approval of the State Treasurer.

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- 76.11 DELETE** (Prepaid Debit Card Implementation) Provides for the development and implementation of an electronic payment plan for payroll purposes using prepaid debit cards. **PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. *A RFP has been completed.* Fiscal Impact: No impact on the General Fund. Requested by the State Treasurer's Office.

~~**76.11.** (TREAS: Prepaid Debit Card Implementation) The State Treasurer is authorized to develop and implement an electronic payment plan for payroll purposes using prepaid debit cards or other similar product to replace paper checks. The State Treasurer shall use a competitive process to solicit proposals for a prepaid debit card and shall include on the evaluation panel representatives of the State Employee's Association and an agency Human Resources Officer. At a minimum, each proposal for consideration must grant employees the same options to deposit or cash the proceeds as is currently provided for payroll checks without imposing any additional costs on the employee. Consideration shall also be given to other benefits, including but not limited to, the number of free services provided to the employee.~~

- 76.af ADD** (Audit Finding Follow-Up) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct and empower the State Treasurer to: (1) follow up on audit findings issued by the State Auditor's Office, and/or by an independent audit; (2) conduct independent audits to ensure proper receipt and disbursement of state funds in accordance with legislative intent; and (3) recover amounts due by seeking refunds, withholding payments or distributions, or by whatever other actions deemed appropriate. Direct the LAC to notify the State Treasurer's Office of any cost savings recommendations. Require entities to cooperate with the State Treasurer in these activities. Direct the State Treasurer to deposit funds collected by this provision in a separate account for appropriation by the General Assembly, unless otherwise provided for by law. Authorize the State Treasurer to retain and expend a portion of any funds received to pay for costs associated with managing and enforcing this provision. Direct the State Treasurer to annually report to the General Assembly on the management activities and cost recoveries. *The proviso is in accordance with the State Treasurer's Office mission to manage the State's financial assets in ways that maximize value and promote the best interests of the State's citizens.* Fiscal Impact: Funding returned to the General Fund will be contingent upon the amount of funds recovered. Requested by State Treasurer's Office.

76.af. (TREAS: Audit Finding Follow-Up) The State Treasurer is directed and empowered to: (a) follow up on audit findings issued by the Office of State Auditor, or any other independent audit involving the receipt or disbursement of state funds or achieving cost savings for the State or its agencies and institutions; (b) conduct additional audits or take other actions to ensure proper receipt and disbursement of state funds in accordance with legislative intent; and (c) contract for or conduct recovery audits designed to identify overpayments or erroneous payments to vendors. The Legislative Audit Council shall notify the State Treasurer's Office of any recommendations involving cost savings. The State Treasurer may recover any amounts due the State agencies or institutions by seeking refunds, withholding future payments or distributions, or by whatever other actions the State Treasurer deems appropriate. Such may include appropriate legal action on behalf of the State as the Attorney General may approve, and including the participation of the Attorney General in the litigation or the hiring of any attorneys being subject to the prior approval of the Attorney General. All entities disbursing or receiving state funds shall cooperate with the State Treasurer in these activities. The State Treasurer shall deposit any funds collected by this provision in a separate account to be appropriated by the General Assembly, unless otherwise provided for by law. The State

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Treasurer may retain and expend a portion of any funds received to pay for costs associated with the management and enforcement of this provision. The State Treasurer shall report annually to the General Assembly on its management activities and cost recoveries regarding this directive.

SECTION 78 - E24-ADJUTANT GENERAL'S OFFICE

78.8 **AMEND** (Retention of Lease Property Revenue) Authorizes the Adjutant General to lease the Combined Support Maintenance Shop property and to retain and use the revenue for specific purposes.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete reference to a specific property and instead authorize the Adjutant General to lease all real property under the control of the South Carolina Military Department (SCMD) and allow all lease revenue to be retained for armory operations and maintenance. Fiscal Impact: No impact on the General Fund. Requested by the Adjutant General's Office.

78.8. (ADJ: Retention of Lease Property Revenue) The Adjutant General is authorized to lease ~~the property formerly referred to as the Combined Support Maintenance Shop and can retain revenue collected from this lease program~~ all real property under the control of SCMD. Funds generated by this program may be retained and expended for maintenance, renovation and construction of armory properties covered under the Federal Installation Stationing Plan (FISP) All revenue generated by the lease program may be retained for SCMD armory operations and maintenance as authorized by the Adjutant General or Deputy Adjutant General for state operations.

78.par **ADD** (Physical Assets Responsibility) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to make the Adjutant General's Office financially and administratively responsible for the building, and grounds; for maintaining deferred depreciation and maintenance reserves; assuming improvement obligations and other operating costs such as building maintenance, systems and equipment; custodial services, horticultural and grounds maintenance; insurance; and utilities for the property located at 1 National Guard Road in Columbia. Direct that Section 1-11-67 [RENTAL CHARGES FOR OCCUPANCY OF STATE-CONTROLLED OFFICE BUILDINGS; APPORTIONMENT AMONG AGENCY FUNDING SOURCES] does not apply to this property and direct that the B&C Board is not responsible for deferred or future maintenance or repair of building or grounds. Fiscal Impact: No impact on the General Fund.

78.par. (ADJ: Physical Assets Responsibility) The Adjutant General shall be financially and administratively responsible for the building and grounds located at 1 National Guard Road in Columbia, to include maintaining necessary reserves for deferred and future depreciation and maintenance, and assuming improvement obligations and other costs of operation, including but not limited to, building maintenance, systems and equipment maintenance, custodial services, horticulture and grounds maintenance, insurance and utilities. Section 1-11-67 of the 1976 Code shall not apply and the Budget and Control Board shall have no responsibility for any deferred or future maintenance and repair of the building and grounds.

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SECTION 79 - E28-ELECTION COMMISSION

79.6 AMEND (Primary and General Election Carry Forward) Authorizes filing fees paid by candidates filing for statewide or special primary elections to be retained, expended, and carried forward to conduct primary elections. Authorizes Primary and General Election Accounts funds to be carried forward and expended for the same purpose. Authorizes these funds to also be used to conduct the 2012 Presidential Preference Primary.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete specific reference to the “2012” Presidential Preference Primary. Fiscal Impact: No impact on the General Fund.

79.6. (ELECT: Primary and General Election Carry Forward) Filing fees received from candidates filing to run in statewide or special primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, any balance in the Primary and General Election Accounts on June thirtieth, of the prior fiscal year may be carried forward and expended for the same purposes during the current fiscal year. In addition, the aforementioned funds may also be utilized to conduct the ~~2012~~ Presidential Preference Primary elections.

79.11 DELETE (Presidential Preference Primary and Ballot Security) Authorizes funds originally appropriated for Ballot Security to be carried forward and used to conduct the 2012 Presidential Preference Primary and the 2012 State wide Primaries/Runoff.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

79.11. (ELECT: Presidential Preference Primary and Ballot Security) ~~The State Election Commission is authorized to carry forward and use funds originally appropriated for Ballot Security to conduct the 2012 Presidential Preference Primary elections and the 2012 Statewide Primaries/Runoff.~~

SECTION 80A - F03 - BUDGET AND CONTROL BOARD

80A.8 AMEND (Carry Forward - Local Government Assistance) Authorizes the board to carry forward funds appropriated for financial assistance and for matching State Revolving Fund grants from the EPA for water and sewer projects to local governments. Allows \$400,000 of the grant carry-forward to be used for operating costs.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the authorization to use \$400,000 of these funds for operating costs. Fiscal Impact: No impact on the General Fund.

80A.8. (BCB: Carry Forward - Local Government Assistance) The Budget and Control Board may carry forward from prior fiscal years to the current fiscal year funds appropriated for the purpose of providing financial assistance and for matching federal funds for financial assistance to local governments with water, wastewater, and sewer projects. ~~Of the Grant Funds appropriated for such purposes, \$400,000 may be used for operating costs in order to enhance relevant technical assistance capabilities of the board.~~

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80A.14 AMEND (Adoption Assistance Program) Establishes the Employee Adoption Assistance Program and provides guidelines for operation of the program. Limits the total funding authorized for the program to \$700,000 annually.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the “\$700,000” limit and instead direct that the program not exceed the amount authorized by the General Assembly in the appropriations act. *Allow the program funding to conform to the dollar authorization in Part IA.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

80A.14.(BCB: Adoption Assistance Program) The Employee Adoption Assistance Program is established to provide grants to eligible employees to assist them with the direct costs of adoption. The program shall be an employee benefit through the Employee Insurance Program(EIP) and shall be funded from the appropriation for the State Health Plan as provided in this act. Total funding for the Adoption Program shall not exceed ~~\$700,000 annually~~ *the amount authorized by the General Assembly in the annual appropriations act.* Employees are eligible for the Adoption Program if they participate in the EIP, have adopted a child during the prior fiscal year, apply for the grant during the annual application period, and meet any other Adoption Program criteria. The application period shall be July first through September thirtieth of the current fiscal year for an adoption in the prior fiscal year. The maximum grant amounts shall be \$10,000 in the case of the adoption of a special needs child and \$5,000 for all other child adoptions. Should the total amount needed to fund grants at the maximum level exceed ~~\$700,000~~ *the amount authorized*, the amount of a grant to an eligible employee shall be determined by dividing the ~~\$700,000~~ *authorized amount* evenly among qualified program applicants, with the adoption of a special needs child qualifying for two times the benefit of a non-special needs child.

80A.16 AMEND (Antenna and Tower Placement) Requires antenna and tower operations leases within the campuses of higher education institutions to conform to present and future master plans for the property.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete reference to “the present and any future” when requiring conformity to master plans. Fiscal Impact: No impact on the General Fund.

80A.16.(BCB: Antenna and Tower Placement) All leases for antenna and tower operations within institutions of higher learning campuses must conform to ~~the present and any future~~ master plans for such property, as determined solely by the institution of higher learning.

80A.17 DELETE (Lawsuit Funding) Requires the Insurance Reserve Fund pay the State’s cost of defending the Abbeville school funding litigation and the prisoner mental health care litigation.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

80A.17.(BCB: Lawsuit Funding) ~~The Executive Director shall pay from the Insurance Reserve Fund the defense costs of the State, which are incurred in the current fiscal year, in the Abbeville school funding litigation and the prisoner mental health care litigation. The appropriate official from the House of Representatives and the Senate must certify to the Executive Director on a monthly basis the costs incurred in defense of this litigation. Upon receipt of the certification, the Executive Director shall pay the provider of these services the amount certified.~~

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80A.19 DELETE (Deductible Waiver Prohibition) Prohibits a state-sponsored health care entity from waiving the deductible or co-insurance payment for employees using its services, if they are enrolled in the State Health Plan's Health Savings Plan.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The State-funded health care provider has discontinued waiving deductibles and co-insurance for State Health Plan Savings Plan enrollees.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.19.** (BCB: Deductible Waiver Prohibition) In order to prevent non-compliance with federal laws pertaining to health care savings accounts, a state sponsored health care entity may not waive the deductible or co-insurance for any employee enrolled in the State Health Plan Savings Plan. This provision is comprehensive and supersedes any conflicting provisions whether in permanent law, temporary law or by provision elsewhere in this act.~~

80A.20 AMEND (Base Closure Carry Forward) Authorizes \$300,000 of Base Closure Fund appropriations to be carried forward and used for the same purpose.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that up to a maximum of \$300,000 of the funds be used for the South Carolina Military Base Task Force to coordinate efforts among public and private sectors to maintain a significant US Department of Defense presence in this state. Fiscal Impact: No impact on the General Fund.

~~**80A.20.**(BCB: Base Closure Carry Forward) Of the funds appropriated to the Budget and Control Board for the Base Closure Fund, up to a maximum of \$300,000 shall be carried forward into the current fiscal year and shall be used for the ~~same purpose~~ South Carolina Military Base Task Force. The Task Force shall coordinate efforts among the public and the private sectors to maintain a significant United States Department of Defense presence in South Carolina.~~

80A.27 AMEND (Sale of Surplus Real Property) Provides guidelines for the retention and use of revenue derived from the sale of surplus real properties.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to authorize the Department of Mental Health to retain the net proceeds from the sale of 165.79± acres of property on the Bull Street Campus as approved by the B&C Board on June 14, 2011. Fiscal Impact: No impact on the General Fund.

~~**80A.27.**(BCB: Sale of Surplus Real Property) Up to fifty percent of the proceeds, net of selling expenses, from the sale of surplus real properties shall be retained by the Budget and Control Board and used for the deferred maintenance of state-owned buildings. The remaining fifty percent of the net proceeds shall be returned to the agency that the property is owned by, under the control of, or assigned to and shall be used by that agency for non-recurring purposes. This provision applies to all state agencies and departments except: institutions of higher learning; the Public Service Authority; the Ports Authority; the MUSC Hospital Authority; the Myrtle Beach Air Force Redevelopment Authority; the Department of Transportation; the Columbia State Farmers Market; the Department of Agriculture's Columbia Metrology Lab building and property; the Charleston Naval Complex Redevelopment Authority; the Department of Commerce's Division of Public Railways; the Midlands Technical College Enterprise Campus Authority; the Trident Technical College Enterprise Campus Authority; the Commissioners residence at the Department of Corrections and the Educational Television Commission's Key Road property.~~

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The Educational Television Commission shall be authorized to retain the net proceeds from the sale of its property on Key Road, and such proceeds shall only be used for the renovation of the ETV Telecommunications Center. If it is determined that sufficient net proceeds are not to be derived from the sale of its property on Key Road to cover the cost of all renovations of the Telecommunications Center, the property on Key Road shall not be sold. Any proposed sale hereunder shall, prior to said sale, be submitted to the Budget and Control Board for approval as being in compliance with the requirements of this subsection.

The Department of Corrections shall be authorized to retain the net proceeds from the sale of the residence provided for the Commissioner of the Department of Corrections and use such proceeds for deferred maintenance needs at the Department of Corrections.

The Forestry Commission shall be authorized to retain the net proceeds from the sale of surplus land for use in firefighting operations and replacement of firefighting equipment.

The Department of Mental Health shall be authorized to retain the net proceeds it receives for sale of the property sold in accordance with, and identified in Exhibit A of, the Sale and Purchase Agreement dated December 16, 2010 between the Department of Mental Health and Hughes Development Corporation for the sale of 165.79± acres on the Bull Street Campus, as approved by the Budget and Control Board on June 14, 2011.

The Department of Natural Resources shall be authorized to retain the net proceeds from the sale of existing offices originally purchased with a federal grant or with restricted revenue from hunting and fishing license sales for the improvement, consolidation, and/or establishment of regional offices and related facilities.

The Department of Agriculture, the Educational Television Commission, the Department of Corrections, the Department of Natural Resources, and the Forestry Commission shall annually submit a report, within sixty days after the close of the fiscal year, to the Senate Finance Committee and the House Ways and Means Committee on the status of the sale of the identified property and a detailed accounting on the expenditure of funds resulting from such sale.

This provision is comprehensive and supersedes any conflicting provisions concerning disposition of state owned real property whether in permanent law, temporary law or by provision elsewhere in this act.

Any unused portion of these funds may be carried forward into succeeding fiscal years and used for the same purposes.

80A.28 DELETE (Community Safety Anti-Gang Grants and Matching Grants) Authorizes the Attorney General to make recommendations for Community Safety Anti-Gang Grants.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *This authorization has been codified in Section 16-8-34; however no funding has been appropriated for this purpose.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**80A.28.**(BCB: Community Safety Anti-Gang Grants and Matching Grants) The Attorney General may make recommendations for Community Safety Anti-Gang Grants and matching grants programs on behalf of the programs relevant to the provisions of Act 82 of 2007.~~

80A.31 DELETE (December 2011 Holidays) Establishes when certain legal holidays will be observed in December of 2011.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Technical. The proviso was for 2011 only.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

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~~80A.31.(BCB: December 2011 Holidays) For state employees, the Saturday, December 24, 2011 legal holiday shall be observed on Friday, December 23, 2011; the Sunday December 25, 2011 legal holiday shall be observed on Monday, December 26, 2011, and the Monday, December 26, 2011 legal holiday shall be observed on Tuesday, December 27, 2011.~~

80A.32 AMEND (Rural Infrastructure) Requires all B &C Board, Office of Local Government monies be transferred to the S.C. Rural Infrastructure Fund, except for the State Infrastructure Revolving Loan Fund. Authorizes the Rural Infrastructure Authority to hire a director by majority vote of the board if one of the gubernatorial and three of the legislative appointees vote in favor of the hiring.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to authorize unexpended and undisbursed funds to be carried forward and used by the Authority for its purposes. Delete the requirement that hiring of a director requires one gubernatorial and three legislative appointees approval. Fiscal Impact: No impact on the General Fund.

80A.32.(BCB: Rural Infrastructure) The Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies under its control to the South Carolina Rural Infrastructure Fund, authorized by Act 171 of 2010. For purposes of this paragraph, the Budget and Control Board, Office of Local Government, or its successor, shall transfer all monies and balances from any appropriation, carry forward funds, earmarked and restricted accounts, or any other account under its control, except for the State Infrastructure Revolving Loan Fund and any federal monies and federal matching monies. Any unexpended and undisbursed portion of these funds may be carried forward and used by the Rural Infrastructure Authority for its purposes. The Rural Infrastructure Authority, created pursuant to Act 171 of 2010, by a majority vote of the board may hire a director for the authority, ~~so long as one of the gubernatorial appointees and three of the legislative appointees votes in favor of the hiring.~~

80A.33 AMEND (Additional Tort Liability Insurance Coverage Authorized) Authorizes the Insurance Reserve Fund to provide tort liability insurance coverage for certain local aging entities that are non-governmental until June 30, 2012.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.” Fiscal Impact: No impact on the General Fund.

80A.33.(BCB: Additional Tort Liability Insurance Coverage Authorized) The State Budget and Control Board, through the Office of Insurance Services, for Fiscal Year ~~2011-12~~ 2012-13, is also authorized to offer tort liability insurance coverage to an aging entity and its employees serving clients countywide which previously obtained its tort liability insurance coverage through the board.

SECTION 80B - F27 - BUDGET AND CONTROL BOARD, STATE AUDITOR’S OFFICE

80B.at ADD (Audit Timeframes) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to authorize the State Auditor to examine state agencies less often than annually, but not less than every three years and direct the State Auditor to develop and maintain an audit schedule to ensure compliance. Fiscal Impact: No impact on the General Fund. Requested by State Auditor’s Office.

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80B.at. (BCB/AUD: Audit Timeframes) The State Auditor may examine less often than annually agencies, departments, commissions and divisions provided that every such agency, department, commission or division shall be examined no less often than every third year. The State Auditor will develop and maintain a schedule to ensure compliance with this provision.

80B.aaf ADD (Annual Audit of Federal Programs) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require each state agency subject to federal audit requirements to pay the State Auditor for their share of the expense of contracting with a CPA firm to conduct the federal portion of the audit as determined by a schedule developed by the State Auditor. Fiscal Impact: No impact on the General Fund. The audit will be paid from an agency's federal funds. Requested by State Auditor's Office.

80B.aaf.(BCB/AUD: Annual Audit of Federal Programs) Each state agency receiving federal funds subject to the audit requirements of the Single Audit Act Amendments of 1996 and OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations shall remit to the State Auditor an amount representing an equitable portion of the expense of contracting with a nationally recognized CPA firm to conduct a portion of the audit of the State's federal financial assistance. Each state agency's equitable portion of the expense will be determined by a schedule developed by the State Auditor. Such remittance will be based upon invoices provided by the State Auditor. The audit shall be re-bid every five years.

SECTION 82 - R52 - STATE ETHICS COMMISSION

82.1 DELETE (Confidentiality) Prohibits the staff of the State Ethics Commission from making public comments which reflect a personal opinion about any matter which is before the commission.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~**82.1. (ETHICS: Confidentiality) The State Ethics Commission staff shall be precluded from making any public comment which in any way reflects a personal opinion about any matter which is before or which is pending action before the commission or the commission staff. Nothing in this provision shall abridge the commission's responsibilities pursuant to the Freedom of Information Act, Section 30-4-10, et. seq. of the 1976 Code.**~~

SECTION 83 - S60-PROCUREMENT REVIEW PANEL

83.1 AMEND (Filing Fee) Authorizes the Procurement Review Panel to charge a \$250 filing fee to a party requesting an administrative review under certain Sections of the Procurement Code, and to retain, carry forward, and use the funds for agency operations. Allows the fee to be waived in case of hardship on the part of the filer.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to add 11-35-4330 [FRIVOLOUS PROTESTS] to the Sections of the code under which the panel is authorized to charge a filing fee. Establish procedures for a Request for Filing Fee Waiver form to be submitted when a person requests a waiver of the filing fee due to financial hardship. Fiscal Impact: No impact on the General Fund.

83.1. (PRP: Filing Fee) Requests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty

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dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the S.C. Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6), 11-35-4330, and/or 11-35-4410. The funds generated by the filing fee shall be retained by the panel and carried forward to be used for the operation of the panel. Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of *financial* hardship, the party shall submit a ~~notarized affidavit to such effect~~ completed Request for Filing Fee Waiver form at the same time the request for review is filed. ~~If after reviewing the affidavit the panel determines that such hardship exists, the filing fee shall be waived.~~ The panel shall make the Request for Filing Fee Waiver forms available to the Chief Procurement Officers to provide to parties along with notice of right to appeal to the panel. If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing.

SECTION 86 - X22 - AID TO SUBDIVISIONS, STATE TREASURER

86.2 DELETE (Local Government Flexibility) Authorizes counties to transfer non-statutorily restricted funds among appropriated state revenues as needed to ensure delivery of services for FY 2011-12.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~86.2. (AS-TREAS: Local Government Flexibility) Fiscal Year 2011-12, counties of this State may transfer funds not statutorily restricted for a specific use among appropriated state revenues as needed to ensure the delivery of services.~~

86.3 AMEND (Quarterly Distributions) Provides for the quarterly distribution of Aid to Subdivisions Local Government Fund.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change Fiscal Year “2011-12” to “2012-13” and Fiscal Year “2010-11” to “2011-12.” *Technical.* Fiscal Impact: No impact on the General Fund.

~~86.3. (AS-TREAS: Quarterly Distributions) For Fiscal Year 2011-12, the amount of the four quarterly distributions from the Aid to Subdivisions-Local Government Fund shall be as follows: The amount of the first quarterly distribution for each entity shall equal the amount of the last quarterly distribution for Fiscal Year 2010-11 and thereafter the next three quarterly distributions shall be in reduced equal amounts, the four distributions together totaling the 2011-12 appropriation from the Local Government Fund.~~

86.6 AMEND (LGF) Suspends Sections 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES] and 6-27-50 [RESTRICTIONS ON AMENDMENT OR REPEAL OF CHAPTER] for Fiscal Year 2011-12.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change Fiscal Year “2011-12” to “2012-13.”

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86.6. (AS-TREAS: LGF) For Fiscal Year ~~2011-12~~ 2012-13, the provisions of Section 6-27-30 and Section 6-27-50 of the 1976 Code are suspended.

- 86.7** **DELETE** (Flexibility) Authorizes a political subdivision that receives aid from the Local Government Fund to reduce support to any state mandated program or requirement up to the percentage their appropriation from the Local Government Fund has been reduced compared to the amount required to be funded by law.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~**86.7.** (AS-TREAS: Flexibility) For Fiscal Year 2011-12, a political subdivision receiving aid from the Local Government Fund may reduce its support to any state mandated program or requirement, by up to a percentage equal to the percentage reduction in the actual amount appropriated to the Local Government Fund as compared to the amount required to be appropriated pursuant to Section 6-27-30.~~

- 86.lc** **ADD** (LGF Calculation) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to direct that all state support received by local governments shall be factored into calculating the Local Government Fund requirements as provided in Section 6-27-30 [FUNDING OF LOCAL GOVERNMENT FUND FROM GENERAL FUND REVENUES].

86.lc. (AS-TREAS: LGF Calculation) For purposes of calculating the Local Government Fund requirements as provided in Section 6-27-30 of the 1976 Code, all state support received by local governments shall be factored into the calculation.

SECTION 89 - X90-GENERAL PROVISIONS

- 89.2** **AMEND** (Appropriations From Funds) Directs that funds appropriated from the General Fund, EIA Fund, Highways and Public Transportation Fund and other applicable funds are to meet the ordinary expenses of the State for FY 2011-12.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change fiscal year reference from “2011-12” to “2012-13.” *Technical.* Fiscal Impact: No impact on the General Fund.

89.2. (GP: Appropriations From Funds) Subject to the terms and conditions of this act, the sums of money set forth in this part, if so much is necessary, are appropriated from the General Fund of the State, the Education Improvement Act Fund, the Highways and Public Transportation Fund, and other applicable funds, to meet the ordinary expenses of the state government for Fiscal Year ~~2011-12~~ 2012-13, and for other purposes specifically designated.

- 89.3** **AMEND** (Fiscal Year Definitions) Defines current and prior fiscal year time frames.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year references from “2011” to “2012;” “2012” to “2013;” and “2010” to “2011.” *Technical.* Fiscal Impact: No impact on the General Fund.

89.3. (GP: Fiscal Year Definitions) For purposes of the appropriations made by this part, “current fiscal year” means the fiscal year beginning July 1, ~~2011~~ 2012, and ending June 30, ~~2012~~ 2013, and “prior fiscal year” means the fiscal year beginning July 1, ~~2010~~ 2011, and ending June 30, ~~2011~~ 2012.

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89.16 AMEND (Allowance for Residences & Compensation Restrictions) Authorizes specific positions to occupy agency-owned residences without charge and provides compensation guidelines.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to add the employees of the “Governor’s School for Arts and Humanities” who are required to stay on campus in the exemptions pertaining to compensation restrictions. Delete “Clemson University’s Head Football Coach” from the employees who may be permitted to occupy residences owned by the respective departments without charge. Delete the requirement that commuter mileage on non-exempt state vehicles be considered as income and reported according to the IRS regulations. Fiscal Impact: No impact on the General Fund.

89.16. (GP: Allowance for Residences & Compensation Restrictions) That salaries paid to officers and employees of the State, including its several boards, commissions, and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto, but such perquisites, commodities, services or other benefits shall be charged for at the prevailing local value and without the purpose or effect of increasing the compensation of said officer or employee. The charge for these items may be payroll deducted at the discretion of the Comptroller General or the chief financial officer at each agency maintaining its own payroll system. This shall not apply to the Governor’s Mansion, nor for department-owned housing used for recruitment and training of Mental Health Professionals, nor to guards at any of the state’s penal institutions and nurses and attendants at the Department of Mental Health, and the Department of Disabilities and Special Needs, and registered nurses providing clinical care at the MUSC Medical Center, nor to the Superintendent and staff of John de la Howe School, nor to the cottage parents and staff of Wil Lou Gray Opportunity School, nor to full-time or part-time staff who work after regular working hours in the SLED Communications Center or Maintenance Area, nor to adult staff at the Governor’s School for Science and Mathematics *and the Governor’s School for Arts and Humanities* who are required to stay on campus by the institution because of job requirements or program participation. The presidents of those state institutions of higher learning authorized to provide on-campus residential facilities for students may be permitted to occupy residences on the grounds of such institutions without charge.

Any state institution of higher learning may provide a housing allowance to the president in lieu of a residential facility, the amount to be approved by the Budget and Control Board.

That the following may be permitted to occupy residences owned by the respective departments without charge: the Director of the Department of Mental Health; the Farm Director, Farm Managers, and Specialists employed at the Wateree River Correctional Institution; the South Carolina State Commission of Forestry fire tower operators, forestry aides, and caretaker at central headquarters; the Department of Natural Resources’ Game Management Personnel, Fish Hatchery Superintendents, Lake Superintendent, and Fort Johnson Superintendent; the Department of Parks, Recreation and Tourism field personnel in the State Parks Division; Director of Wil Lou Gray Opportunity School; President of the School for the Deaf and the Blind; houseparents for the Commission for the Blind; South Carolina Department of Health and Environmental Control personnel at the State Park Health Facility and Camp Burnt Gin; Residence Life Coordinators at Lander University; Residence Life Directors, temporary and transition employees, student interns, and emergency personnel at Winthrop University; Farm Superintendent at Winthrop University; Residence Hall Directors at the College of Charleston; ~~Clemson University’s Head Football Coach~~; the Department of Disabilities and Special Needs’ physicians and other professionals at Whitten Center, Clemson University Off-Campus Agricultural Staff and Housing Area Coordinators; and University of

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South Carolina's Manager of Bell Camp Facility, Housing Maintenance Night Supervisors, Residence Life Directors, temporary and transition employees, and emergency medical personnel; TriCounty Technical College's Bridge to Clemson Resident and Area Directors. Except in the case of elected officials, the fair market rental value of any residence furnished to a state employee shall be reported by the state agency furnishing the residence to the Agency Head Salary Commission, and the Division of Budget and Analyses by October first, of each fiscal year.

All salaries paid by departments and institutions shall be in accord with a uniform classification and compensation plan, approved by the Budget and Control Board, applicable to all personnel of the State Government whose compensation is not specifically fixed in this act. Such plan shall include all employees regardless of the source of funds from which payment for personal service is drawn. The Division of Budget and Analyses of the Budget and Control Board is authorized to approve temporary salary adjustments for classified and unclassified employees who perform temporary duties which are limited by time and/or funds. When approved, a temporary salary adjustment shall not be added to an employee's base salary and shall end when the duties are completed and/or the funds expire. Academic personnel of the institutions of higher learning and other individual or group of positions that cannot practically be covered by the plan may be excluded therefrom but their compensations as approved by the Division of Budget and Analyses shall, nevertheless, be subject to review by the Budget and Control Board. Salary appropriations for employees fixed in this act shall be in full for all services rendered, and no supplements from other sources shall be permitted or approved by the Budget and Control Board. With the exception of travel and subsistence, legislative study committees shall not compensate any person who is otherwise employed as a full-time state employee. Salaries of the heads of all agencies of the State Government shall be specifically fixed in this act and no salary shall be paid any agency head whose salary is not so fixed. ~~Commuter mileage on non-exempt state vehicles shall be considered as income and reported by the Comptroller General in accordance with IRS regulations.~~ As long as there is no impact on appropriated funds, state agencies and institutions shall be allowed to spend public funds and/or other funds for designated employee award programs which shall have written criteria approved by the agency governing board or commission. For purposes of this section, monetary awards, if any, shall not be considered a part of an employee's base salary, a salary supplement, or a perquisite of employment. The names of all employees receiving monetary awards and the amounts received shall be reported annually to the South Carolina Division of Budget and Analyses.

In the case of lodging furnished by certain higher education institutions to employees, the prevailing local rate does not apply if the institution meets the exceptions for inadequate rent described in the current Internal Revenue Code Section 119(d)(2). To meet the exception, rental rates must equal the lesser of five percent of the appraised value of the qualified campus lodging, or the average of the rentals paid by individuals (other than employees or students of the educational institution) during the calendar year for lodging provided by the educational institution which is comparable to the qualified campus lodging provided to the employee, over the rent paid by the employee for the qualified campus lodging during the calendar year. The appraised value shall be determined as of the close of the calendar year in which the taxable year begins, or, in the case of a rental period not greater than one year, at any time during the calendar year in which the period begins.

- 89.22 DELETE** (Organizations Receiving State Appropriations Report) Requires organizations that receive contributions in this act to provide the following information to the agency from which they received the funds: (1) how the state funds will be spent, (2) a copy of the adopted budget

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for the current year, and (3) a copy of the organization's most recent operating financial statement and prohibits the funds from being spent by the organization until this information is received. Prohibits funds from being disbursed to organizations that practice discrimination. Authorizes the State Auditor to review and audit each of these organizations.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. No impact on the General fund.

~~89.22. (GP: Organizations Receiving State Appropriations Report) Each organization receiving a contribution in this act shall render to the state agency making the contribution by November first of the fiscal year in which funds are received, an accounting of how the state funds will be spent, a copy of the adopted budget for the current year, and also a copy of the organization's most recent operating financial statement. The funds appropriated in this act for contributions shall not be expended until the required financial statements are filed with the appropriate state agency. No funds in this act shall be disbursed to organizations or purposes which practice discrimination against persons by virtue of race, creed, color or national origin. The State Auditor shall review and audit, if necessary, the financial structure and activities of each organization receiving contributions in this act and make a report to the General Assembly of such review and/or audit, when requested to do so by the Budget and Control Board.~~

89.23 DELETE (Information Technology - Report of Requested Increases) Directs the B&C Board to identify and compile requests for information technology increases for state agencies, excluding higher education institutions, and upon request provide an evaluation of any requested increase.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~89.23. (GP: Information Technology - Report of Requested Increases) The Budget and Control Board is authorized and directed to identify all requested increases for information technology for agencies, institutions or departments, with the exception of colleges, universities and technical institutions, compile the requests into one report for the Governor, the Chairman of Senate Finance Committee, and the Chairman of the House Ways and Means Committee or a respective subcommittee chairman. Upon request of the Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, or a respective subcommittee chairman, the Budget and Control Board shall provide an evaluation of any request.~~

89.26 DELETE (Regulatory Audit) Requires each agency to conduct a jurisdictional audit to identify laws, regulations, and provisos which are outdated and to draft repeals for submission to the appropriate standing committee by January 31st.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~89.26. (GP: Regulatory Audit) Each agency shall conduct a jurisdictional audit for the purpose of identifying laws, regulations and provisos which are not being used or no longer need to be regulated. After identifying these laws, repeals are to be drafted for submission to the appropriate standing committee of the General Assembly by January thirty first.~~

89.38 AMEND (Voluntary Separation Incentive Program) Authorizes and provides guidelines for agencies to implement a voluntary separation incentive program for employees. Requires

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agencies to report their prior year's results of the use of the program to the B&C Board and requires the B&C Board report the results to the Senate Finance and House Ways and Means Committees.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to direct that the board shall submit the results "upon request" of the committees. Fiscal Impact: No impact on the General Fund.

89.38. (GP: Voluntary Separation Incentive Program) State agencies may implement, in consultation with the Office of Human Resources of the Budget and Control Board, a program to realign resources to include provisions for a separation incentive payment for employees which may include the employer portion of health and dental benefits not to exceed one year. Employees participating in such program shall not be eligible to participate in the Teacher and Employee Retention Incentive (TERI) program. Employees participating in such program shall be considered to have voluntarily quit their employment without good cause and be subject to the provisions of Section 41-35-120(1) of the South Carolina Employment Security Law. Any program developed under this provision will involve voluntary participation from employees and will be funded within existing appropriations. The program must be approved by the agency head and the Director of the Division of Budget and Analyses based on ability to demonstrate recurring cost savings for realignment and/or permanent downsizing. State agencies shall report the prior year's results to the Budget and Control Board by August fifteenth, of the current fiscal year. The Budget and Control Board, upon request, shall report to the Senate Finance Committee and the House Ways and Means Committee on these results.

89.58 **DELETE** (Agency Administrative Support Collaboration) Directs state agencies to continue to actively pursue cost savings measures through collaboration and combining administrative support functions with other agencies where feasible.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~**89.58.** (GP: Agency Administrative Support Collaboration) It is the intent of the General Assembly that state agencies continue to actively pursue cost savings measures through collaborative efforts and where feasible may combine administrative support functions with other agencies in order to maximize efficiency and effectiveness.~~

89.59 **AMEND** (Assessment Audit / Crime Victim Funds) Provides guidelines for the State Office of Victim Assistance to audit crime victim funds.
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to add "Chapter 3" to the reference to "Title 16, Article 15." *Technical*. Fiscal Impact: No impact on the General Fund.

89.59. (GP: Assessment Audit / Crime Victim Funds) If the State Auditor finds that any county treasurer, municipal treasurer, county clerk of court, magistrate, or municipal court has not properly allocated revenue generated from court fines, fines, and assessments to the crime victim funds or has not properly expended crime victim funds, pursuant to Sections 14-1-206(B)(D), 14-1-207(B)(D), 14-1-208(B)(D), and 14-1-211(B) of the 1976 Code, the State Auditor shall notify the State Office of Victim Assistance. The State Office of Victim Assistance is authorized to conduct an audit which shall include both a programmatic review and financial audit of any entity or non-profit organization receiving victim assistance funding based on the referrals from the State Auditor or complaints of a specific nature received by the

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State Office of Victim Assistance to ensure that crime victim funds are expended in accordance with the law. Guidelines for the expenditure of these funds shall be developed by the Victim Services Coordinating Council. The Victim Services Coordinating Council shall develop these guidelines to ensure any expenditure which meets the parameters of Title 16, *Chapter 3*, Article 15 is an allowable expenditure. Any local entity or non-profit organization that receives funding from revenue generated from crime victim funds is required to submit their budget for the expenditure of these funds to the State Office of Victim Assistance within thirty days of the budget's approval by the governing body of the entity or non-profit organization. Failure to comply with this provision shall cause the State Office of Victim Assistance to initiate a programmatic review and a financial audit of the entity's or non-profit organization's expenditures of victim assistance funds. Additionally, the State Office of Victim Assistance will place the name of the non-compliant entity or non-profit organization on their website where it shall remain until such time as they are in compliance with the terms of this proviso. Any entity or non-profit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance. If the State Office of Victim Assistance finds an error, the entity or non-profit organization has ninety days to rectify the error. An error constitutes an entity or non-profit organization spending victim assistance funding on unauthorized items as determined by the State Office of Victims Assistance. If the entity or non-profit organization fails to cooperate with the programmatic review and financial audit or to rectify the error within ninety days, the State Office of Victim Assistance shall assess and collect a penalty in the amount of the unauthorized expenditure plus \$1,500 against the entity or non-profit organization for improper expenditures. This penalty plus \$1,500 must be paid within thirty days of the notification by the State Office of Victim Assistance to the entity or non-profit organization that they are in non-compliance with the provisions of this proviso. All penalties received by the State Office of Victim Assistance shall be credited to the General Fund of the State. If the penalty is not received by the State Office of Victim Assistance within thirty days of the notification, the political subdivision will deduct the amount of the penalty from the entity or non-profit organization's subsequent fiscal year appropriation.

89.66 **AMEND** (Year-End Financial Statements - Penalties) Provides reporting deadlines for agencies and other entities that must submit annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change due date for certain final audited financial statements from October 15th to October 10th. Fiscal Impact: No impact on the General Fund. Requested by Comptroller General's Office.

89.66. (GP: Year-End Financial Statements - Penalties) Agencies and other reporting entities required to submit annual audited financial statements for inclusion in the State's Comprehensive Annual Financial Report must comply with the submission dates stipulated in the State Auditor's Office audit contract. If the audit was not contracted by the State Auditor's Office, the final audited financial statements are due not later than October ~~fifteenth~~ *tenth* for the prior fiscal year. Each agency that does not comply with the provisions of this proviso shall appear before the Comptroller General, providing an explanation for the delay.

89.74 **AMEND** (Healthcare Employee Recruitment and Retention) Provides guidelines for the Departments of Corrections, Disabilities and Special Needs, Health and Environmental Control, Health and Human Services, Juvenile Justice, Mental Health, and Vocational Rehabilitation to provide lump sum bonuses to recruit and retain healthcare workers in critical needs jobs; to

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offer paid educational leave to employees enrolled in healthcare degree programs related to the agency's mission; and to make agreements to repay newly employed Psychiatrists and Nurses' outstanding student loans.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the stipulation that employees may receive a bonus of up to \$5,000; required bonus amounts to be approved by the State Human Resources Director and clarify that the bonus may not exceed \$10,000 per year. Delete the "newly employed in these positions" pertaining to agreements with Psychiatrists and Nurses. Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board

89.74. (GP: Healthcare Employee Recruitment and Retention) The Department of Corrections, Department of Disabilities and Special Needs, Department of Health and Environmental Control, Department of Health and Human Services, Department of Juvenile Justice, Department of Mental Health, and Department of Vocational Rehabilitation are allowed to spend state, federal, and other sources of revenue to provide lump sum bonuses to aid in recruiting and retaining healthcare workers in critical needs healthcare jobs based on objective guidelines established by the Budget and Control Board. ~~Employees may receive up to \$5,000, not to exceed an accumulation of more than \$10,000 in bonuses per year. *The employee bonus amount shall be approved by the State Human Resources Director and shall not exceed \$10,000 per year.*~~ Payment of these bonuses is not a part of the employee's base salary and is not earnable compensation for purposes of employee and employer contributions to respective retirement systems.

These agencies may also provide paid educational leave for any employees in an FTE position to attend class while enrolled in healthcare degree programs that are related to the agency's mission. All such leave is at the agency head's discretion.

These agencies may enter into an agreement with Psychiatrists and Nurses ~~newly employed in those positions~~ to repay them for their outstanding student loans associated with completion of a healthcare degree. The employee must be employed in a critical needs area, which would be identified at the agency head's discretion. Critical needs areas could include rural areas, areas with high turnover, or where the agency has experienced recruiting difficulties. Agencies may pay these employees up to twenty percent or \$7,500, whichever is less, of their outstanding student loan each year over a five-year period. Payments will be made directly to the employee at the end of each year of employment. The agency will be responsible for verifying the principle balance of the employee's student loan prior to issuing payments.

Employees of these agencies working on a practicum or required clinical experience towards completion of a healthcare degree may be allowed to complete these requirements at their state agency or another state agency at the discretion of the agency head. This field placement at another state agency may be considered work time for participating employees.

These agencies are also authorized to allow tuition reimbursement from a maximum of ten credit hours per semester; allow probationary employees to participate in tuition programs; and provide tuition pre-payment instead of tuition reimbursement for employees willing to pursue a degree in a healthcare program. An agency may pay up to fifty percent of an employee's tuition through tuition pre-payment. The remaining tuition could be reimbursed to the employee after successful completion of the class.

89.81 **DELETE** (Mandatory State Agency Furlough Program) Authorizes state agencies to implement a mandatory furlough program under certain circumstances.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Codified in Section 8-11-192.* Requested by Budget and Control Board.

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~~89.81. (GP: Mandatory State Agency Furlough Program) In a fiscal year in which the general funds appropriated for a state agency, are less than the general funds appropriated for that agency in the prior fiscal year, or in a fiscal year in which an agency that is funded by other funds projects other funds collections to be less than in the prior fiscal year, or whenever the General Assembly or the Budget and Control Board implements a mid year across the board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur.~~

~~The furlough must be:~~

~~(1)inclusive of all employees in an agency or within a designated department or program regardless of source of funds or place of work, including all classified and unclassified employees in the designated area; or~~

~~(2)based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department respectively.~~

~~If the state agency will incur costs for overtime under the federal Fair Labor Standards Act, law enforcement employees and correctional employees may be exempted from a mandatory furlough. Employees who provide direct patient or client care and front line employees who deliver direct customer services may be exempted from a mandatory furlough. The mandatory furlough must include the agency head. Constitutional officers are exempt from mandatory furlough. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely.~~

~~During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that that require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.~~

~~Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act.~~

~~In the event the reduction for the state agency, institution, or department is due solely to the General Assembly transferring or deleting a program, this provision does not apply. The implementation of a furlough program authorized by this provision shall be on an agency by-agency basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily shall count toward furlough days required by the mandatory furlough.~~

~~The Budget and Control Board shall promulgate guidelines and policies, as necessary, to implement the provisions of this proviso. State agencies shall report information regarding furloughs to the Office of Human Resources of the Budget and Control Board.~~

~~The Office of Human Resources of the Budget and Control Board must provide consultation and guidance to each state agency implementing a furlough or reduction in force regarding the long term career development of its employees and the potential financial benefit of implementing a furlough program or reduction in force.~~

~~This provision does not apply to employees of those state agencies or institutions covered by Section 8 11 193 of the 1976 Code, and Section 8 11 193, rather than this provision continues to apply to those employees in the manner provided by law.~~

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89.91 **DELETE** (Retirement Systems) Provides for participation in the Retirement System for certain charter school employees through June 30, 2011.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The proviso was effective through June 30, 2011. Section 9-1-1020 controls the manner in which the employee contributions are picked up to comply with the Internal Revenue Code and ensure that the contributions are tax deferred.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**89.91.** (GP: Retirement Systems) A charter school employing an individual on leave from a local school district on, or after July 1, 2006 shall participate in the South Carolina Retirement Systems as a covered employer with respect to the employee on leave through June 30, 2011 only to the extent that the charter school and the employee have made required employer and employee contributions to the South Carolina Retirement Systems from the employee's date of employment with the charter school. The employee on leave from a local school district employed by a charter school shall accrue benefits and credits in the South Carolina Retirement Systems. The charter school shall remit to the Retirement Systems the employer contributions required by law for participating employers. The employee shall make the employee contributions to the Retirement Systems required by law and the contributions must be picked up in accordance with Section 9-1-1020. The South Carolina Retirement Systems may impose reasonable requirements to administer this section.~~

89.93 **DELETE** (SCEIS-DOT) Requires the Department of Transportation to be integrated into the S.C. Enterprise Information System (SCEIS) by September 30, 2011.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Implementation has been completed.* Fiscal Impact: No impact on the General Fund. Requested by Budget and Control Board.

~~**89.93.** (GP: SCEIS-DOT) It is the intent of the General Assembly that all agencies achieve the maximum benefit of accounting, management and transparency through the implementation of the South Carolina Enterprise Information System (SCEIS). In order to ensure this goal is completed by not later than September 30, 2011 at the Department of Transportation, the following process shall be implemented. The SCEIS Program and the Department of Transportation shall form a DOT SCEIS Implementation Team dedicated to the successful implementation of SCEIS within the Department of Transportation. This team is directed to identify and implement high level interfaces to allow the Department of Transportation to remain operational as the Statewide Accounting and Reporting System, Human Resources and Payroll systems are retired prior to the full implementation of SCEIS within the Department of Transportation. The SCEIS Executive Oversight Committee is directed to establish a SCEIS/Department of Transportation Implementation subcommittee consisting of a senior manager designated by the Comptroller General, a senior manager designated by the Executive Director of the Budget and Control Board, and a senior manager designated by the Secretary of the Department of Transportation, and shall include staff as designated by the Department of Transportation and staff as designated by the SCEIS Program. In addition, the Department of Transportation shall include a senior management representative of the federal highway administration as an advisor to this subcommittee and as a member of the DOT SCEIS Implementation Team. The Department of Transportation may expend funds as determined under the implementation plan as necessary to maximize the long term return in the areas of finance, procurement, human resources and payroll, budgeting, federal aid billing, project management and other areas where modernization benefits the agency. The SCEIS Program~~

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~~shall use resources available to assist and support the Department of Transportation implementation.~~

- 89.98** **AMEND** (Bank Account Transparency and Accountability) Requires state agencies, except higher education institutions, that have composite reservoir bank accounts to prepare a report that discloses every account transaction in the prior fiscal year. Provides for an agency to petition the B&C Board for an exemption if the release of such information would be detrimental to the agency.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete specific reference to individuals who receive the report and replace with the “Budget and Control Board” and specify the report will be submitted through the Division of State Budget. Require the “beginning” as well as the year-end balance be provided for each account. Direct the B&C Board to establish a common format for agencies to use when submitting their report. Require the State Auditor to include these accounts as part of the agency’s audit. Fiscal Impact: No impact on the General Fund.

89.98. (GP: Bank Account Transparency and Accountability) Each state agency, except state institutions of higher learning, which has composite reservoir bank accounts or any other accounts containing public funds which are not included in the Comptroller General’s Statewide Accounting and Reporting System or the South Carolina Enterprise Information System shall prepare a report for each account disclosing every transaction of the account in the prior fiscal year. The report shall be submitted to the ~~Governor, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the State Treasurer, and the Comptroller General~~ *Budget and Control Board, through the Division of State Budget* by October first of each fiscal year. The report shall include the name(s) and title(s) of each person authorized to sign checks or make withdrawals from each account, the name and title of each person responsible for reconciling each account, the *beginning and* year-end balance of funds in each account, and data related to both deposits and expenditures of each account. The report shall include, but not be limited to, the date, amount, and source of each deposit transaction and the date, name of the payee, the transaction amount, and a description of the goods or services purchased for each expenditure transaction. *To facilitate review, the Budget and Control Board shall prescribe a common format for the report which agencies must use.* In order to promote accountability and transparency, a link to the report shall be posted on the Comptroller General’s website as well as the agency’s homepage.

When the State Auditor conducts or contracts for an audit of a state agency, accounts of the agency subject to this proviso must be included as part of the review.

If an agency determines that the release of the information required in this provision would be detrimental to the state or the agency, the agency may petition the Budget and Control Board to grant the agency an exemption from the reporting requirements for the detrimental portion. The meeting to determine whether an exemption should be granted shall be closed. However, the exemption may only be granted upon a majority vote of the Budget and Control Board in a public meeting.

- 89.99** **DELETE** (State Agency Restructuring Study Committee) Directs the State Agency Restructuring Study Committee to continue to review and recommend ways to streamline the operation of state government.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

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~~89.99.~~ (GP: State Agency Restructuring Study Committee) ~~The State Agency Restructuring Study Committee created in Act 291 of 2010 shall continue to review and recommend methods to streamline state government operations. The committee shall be co-chaired by the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee. Its membership shall consist of an additional ten members of the General Assembly appointed as follows: two members appointed by the President Pro Tempore of the Senate; one member of the Senate Finance Committee appointed by the Chairman of the Senate Finance Committee; one member appointed by the Senate Majority Leader; one member appointed by the Senate Minority Leader; two members appointed by the Speaker of the House of Representatives; one member of the House Ways and Means Committee appointed by the Chairman of the House Ways and Means Committee; one member appointed by the House Majority Leader; and one member appointed by the House Minority Leader.~~

~~The committee shall review and recommended ways to further streamline government to realize maximum effectiveness and efficiency. The committee shall not be limited in scope, but at a minimum it shall review (1) Education; (2) Health and Social Services; (3) Natural Resources and Environmental Services; (4) Cultural; (5) Regulatory; and (6) Transportation. This review, including an estimate of cost savings must be submitted to the Chairman of the Senate Finance Committee and the Chairman of the House of Representatives Ways and Means Committee.~~

89.109 DELETE (Guardian ad Litem Study Committee) Establishes a Guardian ad Litem Study Committee to review the effectiveness and accountability of the guardian ad litem process and report on their findings by January 10, 2012.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund. *Study has been completed.* Requested by Governor's Office of Executive Policy and Programs.

~~89.109.~~ (GP: Guardian ad Litem Study Committee) ~~For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the guardian ad litem process, a Guardian ad Litem Study Committee shall be established to determine:~~

~~(1) the effectiveness of administration of the volunteer Guardian ad Litem Program. The study shall analyze the Guardian ad Litem Program's ability to advocate in a transparent and independent manner for abused and neglected children.~~

~~(2) ways in which to monitor performance and establish accountability of guardians ad litem appointed in private actions before the family court in which custody or visitation of a minor child is an issue, including certification and oversight.~~

~~The Guardian ad Litem Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Guardian ad Litem Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; one volunteer guardian ad litem in good standing with the SC Guardian ad Litem Program, to be appointed by the Governor; and one private guardian ad litem in good standing with the family court, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services and the Director of the Guardian ad Litem Program shall serve as co chairs. Members of the study committee shall serve without compensation.~~

~~The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.~~

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- 89.113 DELETE** (Foster Care Review Board Study Committee) Establishes a Foster Care Review Board Study Committee to review the effectiveness and accountability of the foster care review program and report on their findings by January 10, 2012.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund. *Study has been completed.* Requested by Governor's Office of Executive Policy and Programs.

~~89.113. (GP: Foster Care Review Board Study Committee) For the current fiscal year, effective July 1, 2011, in order to bring accountability and transparency to the foster care process, a Foster Care Review Board Study Committee shall be established to determine:~~

~~(1) the effectiveness of administration of the Foster Care Review Board Program. The study shall analyze the Foster Care Review Board Program's ability to advocate in a transparent and independent manner for foster care children.~~

~~(2) ways in which to monitor performance and establish accountability of foster care review volunteers, including certification and oversight.~~

~~The Foster Care Study Committee shall be composed of the following members: Director of Social Services, or her designee; Director of the Foster Care Review Board Program, or her designee; a member of the Joint Legislative Committee on Children appointed by the Chairman of the committee; Director of the SC Bar, or his designee; and one volunteer foster care review board member in good standing with the Foster Care Review Board, to be appointed by the Governor. Members appointed by the Governor must not be employees of the State of South Carolina. Members shall serve at the pleasure of the appointing authority. The Director of the Department of Social Services and the Director of the Foster Care Review Board Program shall serve as co-chairs. Members of the study committee shall serve without compensation.~~

~~The study committee shall provide a report on the status of their findings and recommendations to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by January 10, 2012.~~

- 89.114 DELETE** (Gold and Silver Investments) Directs the State Treasurer to report to the General Assembly on the advisability of investing in gold and silver.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Report has been completed.* Fiscal Impact: No impact on the General Fund. Requested by State Treasurer's Office.

~~89.114. (GP: Gold and Silver Investments) The State Treasurer shall provide a report to the General Assembly on the advisability of investing in gold and silver.~~

- 89.115 DELETE** (Tobacco Settlement Trust Fund Distribution) Directs the State Treasurer to transfer up to \$1,000,000 from the Tobacco Settlement Trust Fund to the Department of Agriculture for marketing and branding as required by Section 11-49-55 [STATE-GROWN CROPS; MARKETING, BRANDING, AND NATURAL DISASTER RELIEF ASSISTANCE] in \$250,000 increments, as funds are accrued.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~89.115. (GP: Tobacco Settlement Trust Fund Distribution) For Fiscal Year 2011-12, that portion of the Tobacco Settlement Trust Fund that the State Treasurer is directed to transfer to the Department of Agriculture for marketing and branding of agricultural products or produce~~

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~~pursuant to the provisions of Section 11-49-55 must be transferred to the Department of Agriculture as the funds are accrued in \$250,000 increments up to one million dollars.~~

- 89.123 DELETE** (State Symbols) Prohibits state funds from being used to promote, record, or memorialize new official state symbols, emblems, or designations not codified by July 1, 2011. **PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Fiscal Impact: No impact on the General Fund.

~~**89.123.** (GP: State Symbols) For the current fiscal year, no state funds shall be used to promote, record, or memorialize any new official state symbols, emblems, or designations not yet codified by July 1, 2011.~~

- 89.124 DELETE** (Retirement Investment Commission) Requires the Retirement System Investment Commission to submit a salary bonuses plan to the Senate Finance Retirement Subcommittee by January 15 and requires the plan to be approved by the subcommittee before bonuses are implemented. **PROVISO SUBCOMMITTEE RECOMMENDATION:** DELETE proviso. Requested by Retirement System Investment Commission.

~~**89.124.** (GP: Retirement Investment Commission) Of the funds appropriated, the Retirement System Investment Commission shall submit a report to the Senate Finance Retirement Subcommittee by January 15th that sets forth a plan regarding salary bonuses. The plan must be approved by the subcommittee before implementation.~~

- 89.sa ADD** (Single Audit Schedule of Federal Expenditures) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to require state agencies who do not receive a separate audit of federal expenditures to submit a schedule of federal program expenditures to the Office of the State Auditor, in a format prescribed by the State Auditor, by August 15th each year in order to ensure timely completion of the Statewide Single Audit. Fiscal Impact: No impact on the General Fund. Requested by State Auditor's Office.

89.sa. (GP: Single Audit Schedule of Federal Expenditures) To ensure timely completion of the of the Statewide Single Audit, State agencies which do not receive a separate audit of federal expenditures, must submit to the Office of the State Auditor a schedule of federal program expenditures in a format prescribed by the Office of the State Auditor, no later than August 15 of each year.

SECTION 90 - X91 - STATEWIDE REVENUE

- 90.1 AMEND** (Year End Expenditures) Directs year-end expenditure deadlines. **PROVISO SUBCOMMITTEE RECOMMENDATION:** AMEND proviso to change fiscal year reference from "2012" to "2013" and "July 13, 2012" to "July 12, 2013." *Technical.* Fiscal Impact: No impact on the General Fund.

90.1. (SR: Year End Expenditures) Unless specifically authorized herein, the appropriations provided in Part IA of this act as ordinary expenses of the State Government shall lapse on July 31, ~~2012~~ 2013. State agencies are required to submit all current fiscal year input documents to the Office of Comptroller General by July ~~13, 2012~~ 12, 2013. Appropriations for Permanent Improvements, now outstanding or hereafter provided, shall

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lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board and Joint Bond Review Committee, toward the accomplishment of the purposes for which the appropriations were provided. Appropriations for other specific purposes aside from ordinary operating expenses, now outstanding or hereafter provided, shall lapse at the end of the second fiscal year in which such appropriations were provided, unless definite commitments shall have been made, with the approval of the Budget and Control Board, toward the accomplishment of the purposes for which the appropriations were provided.

- 90.10 DELETE** (ARRA Funds) Authorizes \$501,948 of federal ARRA funds for appropriation in FY 11-12; transfers the funds to the School for the Deaf and the Blind; and directs the Office of State Budget to increase the agency's federal fund authorization.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *Funds have been transferred.* Fiscal Impact: No impact on the General Fund.

~~90.10. (SR: ARRA Funds) Pursuant to the State Fiscal Stabilization Fund Program established by Title IV of the American Recovery and Reinvestment Act of 2009 (ARRA), \$501,948 of federal funds are authorized for appropriation pursuant to this provision. \$501,948 shall be transferred to the School for the Deaf and the Blind to supplement appropriations made for the expenses of state government in the annual general appropriation act for Fiscal Year 2011-12 and the Office of State Budget is directed to increase agency federal fund authorization for funds from the State Budget Stabilization Fund allocated herein.~~

~~For purposes of the expenditures authorized by this provision, the funds must be used in a manner consistent with the provisions of the State Fiscal Stabilization Fund established by the American Recovery and Reinvestment Act of 2009 and the provisions of this act.~~

- 90.16 AMEND** (Admissions Tax) Directs that for FY 11-12, up to \$114,000 in admissions tax revenue collected from events held at a motorsports entertainment complex facility with at least 60,000 permanent seats must be rebated to the facility in the current fiscal year to keep a NASCAR race at the facility
PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change Fiscal Year "2011-12" to "2012-13." Fiscal Impact: Provides for a rebate of up to \$114,000 of Admissions Tax.

90.16. (SR: Admissions Tax) For Fiscal Year ~~2011-12~~ 2012-13, up to one hundred fourteen thousand dollars in admissions tax revenue collected annually from all events held at a motorsports entertainment complex facility with at least sixty thousand permanent seats must be rebated to the motorsports entertainment complex facility in the current fiscal year to keep a NASCAR race at the motorsports entertainment complex facility.